IN THE HIGH COURT OF BOMBAY AT GOA

TAX APPEAL NO. 61 OF 2006

THE COMMISSIONER OF INCOME TAX, PANAJI-GOA. ....Appellant

Versus

V. S. DEMPO AND COMPANY LTD., PANAJI, GOA. ....Respondent

Mr. S. R. Rivankar, Advocate for the Appellant.
Mr. Sudin Usgaonkar, Advocate for the Respondent.

Coram:- J. N. PATEL &
N. A. BRITTO, JJ.

Date:- 11th December, 2006

P.C.:-

On the substantial question of law enumerated in para 5 of the Appeal, we have gone through the impugned Order and we find that the Tribunal has not committed any error or illegality in arriving at a finding that the assessee is entitled to deduction under Section 54E in respect of the capital gains on which depreciation has been allowed.

It is contended by the learned Counsel appearing for the Revenue that the distinction between capital gain of the nature of long term and short term will become redundant if such an interpretation is accepted. We do not find it to be so as the issue is covered by the decision of this Court in CIT v. ACE Builders(P) Ltd.((2005) 144 Taxman(BOM) 0855). Therefore, we find that no substantial question of law as sought arise in the matter. The appeal is dismissed.

J. N. PATEL, J.

N. A. BRITTO, J.

RD.